



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,588	12/18/2000	Yutaka Saito	1046.1227/JDH	1682

21171 7590 01/25/2005

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

JERABEK, KELLY L

ART UNIT	PAPER NUMBER
----------	--------------

2612

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,588

Applicant(s)

SAITO, YUTAKA

Examiner

Kelly L. Jerabek

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This case has been transferred to Examiner Kelly Jerabek. Please direct all future correspondence to Examiner Jerabek whose contact information can be found at the end of this office action.

Response to Arguments

Applicant's arguments filed 9/10/2004 have been fully considered but they are not persuasive.

Response to Remarks:

Applicant contends (Amendment, page 7) that the Teruo reference fails to disclose all of the limitations of amended claim 1. The Examiner respectfully disagrees. Teruo discloses a color video camera including a control circuit (101) for generating control signals (S1, S2) by a single white-balance switch (102) (page 2, paragraph 1). The control circuit (101) generates control signals (S1,S2) for changing the mode of the camera based on the time period that the white-balance switch (102) is depressed (page 2, paragraph 2 – page 4, paragraph 1). Therefore, it can be seen that the control circuit (101) serves as both a timer and a control unit. It can be seen in Fig. 4C that if the white-balance switch (102) is pressed (detecting depression of a button) for a time

Art Unit: 2612

period longer than a first predetermined time period (T1) control signal (S2) is set in a high-level state for a second predetermined period of time (T2). Therefore, it can be seen that the timer is started (T2 is started) after the switch (102) is pressed for at least the first predetermined period of time (T1). Also, after the second predetermined time period (T2) the control signal is again sent to a hold state which causes the camera to revert to tracking mode (thus a mode change occurs). **The Examiner is reading a mode change from either tracking mode to setting mode or from setting mode to tracking mode as “executing an image photographing process”.** Therefore, it can be seen that after the timer has counted a second predetermined period of time (after T2) an image photographing process is executed (the camera changes from setting mode to tracking mode because control signal S2 is again in a hold state) (page 3 paragraph 1).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 5-9 rejected under 35 U.S.C. 102(b) as being anticipated by Teruo Hieda JP-174893.

Re claim 1, Hieda discloses a color video camera including a control circuit (101) for generating control signals (S1, S2) by a single white-balance switch (102) (page 2, paragraph 1). The control circuit (101) generates control signals (S1,S2) for changing the mode of the camera based on the time period that the white-balance switch (102) is depressed (page 2, paragraph 2 – page 4, paragraph 1). Therefore, it can be seen that the control circuit (101) serves as both a timer and a control unit. It can be seen in Fig. 4C that if the white-balance switch (102) is pressed (detecting depression of a button) for a time period longer than a first predetermined time period (T1) control signal (S2) is set in a high-level state for a second predetermined period of time (T2). Therefore, it can be seen that the timer is started (T2 is started) after the switch (102) is pressed for at least the first predetermined period of time (T1). Also, after the second predetermined time period (T2) the control signal is again sent to a hold state which causes the camera to revert to tracking mode (thus a mode change occurs). The Examiner is reading a mode change from either tracking mode to setting mode or from setting mode to tracking mode as “executing an image photographing process”. Therefore, it can be seen that after the timer has counted a second predetermined period of time (after T2) an image photographing process is executed (the camera changes from setting mode to tracking mode because control signal S2 is again in a hold state) (page 3 paragraph 1).

Re claim 2, Hieda discloses in figures 4a and 4b that if the white-balance switch (102) is pressed for a period of time shorter than the first predetermined time period (T1) (a.k.a. the button is released before the end of the period (T1)), the control signal (S1) performs a reverse operation and a switching operation from the setting mode to the tracking mode or from the tracking mode to the setting mode is performed (page 2, paragraph 3 – page 3, paragraph 1). Therefore, a mode change (image photographing process) is executed immediately after releasing the white-balance switch (102) is released from being depressed.

Re claim 5, see claim 1.

Re claim 6, Hieda discloses a color video camera including a control circuit (101) for generating control signals (S1, S2) by a single white-balance switch (102) (page 2, paragraph 1). The control circuit (101) generates control signals (S1,S2) for changing the mode of the camera based on the time period that the white-balance switch (102) is depressed (page 2, paragraph 2 – page 4, paragraph 1). Therefore, it can be seen that the control circuit (101) serves as both a timer and a control unit. It can be seen in Fig. 4C that if the white-balance switch (102) is pressed (detecting depression of a button) for a time period longer than a first predetermined time period (T1) control signal (S2) is set in a high-level state for a second predetermined period of time (T2). Therefore, it can be seen that the timer is started (T2 is started) after the switch (102) is pressed for at least the first predetermined period of time (T1). Also, after the second

Art Unit: 2612

predetermined time period (T2) the control signal is again sent to a hold state which causes the camera to revert to tracking mode (thus a mode change occurs). The Examiner is reading a mode change from either tracking mode to setting mode or from setting mode to tracking mode as "executing an image photographing process". Therefore, it can be seen that after the timer has counted a second predetermined period of time (after T2) an image photographing process is executed (the camera changes from setting mode to tracking mode because control signal S2 is again in a hold state) (page 3 paragraph 1).

Re claim 7, Hieda discloses in figures 4a and 4b that if the white-balance switch (102) is pressed for a period of time shorter than the first predetermined time period (T1) (a.k.a. the button is released before the end of the period (T1)) , the control signal (S1) performs a reverse operation and a switching operation from the setting mode to the tracking mode or from the tracking mode to the setting mode is performed (page 2, paragraph 3 – page 3, paragraph 1). Therefore, a mode change (image photographing process) is executed immediately after releasing the white-balance switch (102) is released from being depressed.

Re claim 8, see claim 6.

Re claim 9, see claim 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Teruo Hieda JP-174893.

Re claim 3, Hieda discloses all of the limitations of claim 1 above. However, the Hieda reference fails to distinctly state that the video camera including a white-balance switch is a connectable/disconnectable image acquisition device. The Examiner takes **Official Notice** that is well known in the art to provide video cameras that are capable of being connected or disconnected to external devices. Therefore, it would have been obvious for one skilled in the art to have been motivated to include a video camera that is capable of being connected/disconnected to external devices. Doing so would provide a means for connecting the camera to a remote device in order to expand the capabilities of the camera.

Claims 4 and 10-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Teruo Hieda JP-174893 in view of Schrock et al. US 5,923,908.

Re claim 4, Hieda discloses all of the limitations of claim 1 above. However, the Hieda reference fails to state that the white-balance switch is displayed on a display device.

Schrock discloses in figure 2, a camera including a touch sensitive Liquid Crystal Display Screen (22). The LCD (22) includes virtual buttons (27,28,29) that allow the user to control various camera functions (col. 3, lines 25-64). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the concept of providing buttons for controlling camera functions on a display as disclosed by Schrock in the video camera including a white-balance switch that can be depressed by a user as disclosed by Hieda. Doing so would provide a means for allowing a user to operate a camera using touch input in order to simplify the electronics of the camera (Schrock: col. 2, lines 40-45).

Re claim 10, Hieda discloses a color video camera including a control circuit (101) for generating control signals (S1, S2) by a single white-balance switch (102) (page 2, paragraph 1). The control circuit (101) generates control signals (S1,S2) for changing the mode of the camera based on the time period that the white-balance switch (102) is depressed (page 2, paragraph 2 – page 4, paragraph 1). Therefore, it can be seen that the control circuit (101) serves as both a timer and a control unit. It can be seen in Fig. 4C that if the white-balance switch (102) is pressed (detecting depression of a button) for a time period longer than a first predetermined time period

Art Unit: 2612

(T1) control signal (S2) is set in a high-level state for a second predetermined period of time (T2). Therefore, it can be seen that the timer is started (T2 is started) after the switch (102) is pressed for at least the first predetermined period of time (T1). Also, after the second predetermined time period (T2) the control signal is again sent to a hold state which causes the camera to revert to tracking mode (thus a mode change occurs). The Examiner is reading a mode change from either tracking mode to setting mode or from setting mode to tracking mode as "executing an image photographing process". Therefore, it can be seen that after the timer has counted a second predetermined period of time (after T2) an image photographing process is executed (the camera changes from setting mode to tracking mode because control signal S2 is again in a hold state) (page 3 paragraph 1). Although Hieda discloses all of the limitations above, the reference fails to state that the white-balance switch is displayed on a display device.

Schrock discloses in figure 2, a camera including a touch sensitive Liquid Crystal Display Screen (22). The LCD (22) includes virtual buttons (27,28,29) that allow the user to control various camera functions (col. 3, lines 25-64). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the concept of providing buttons for controlling camera functions on a display as disclosed by Schrock in the video camera including a white-balance switch that can be depressed by a user as disclosed by Hieda. Doing so would provide a means for allowing a user to operate a camera using touch input in order to simplify the electronics of the camera (Schrock: col. 2, lines 40-45).

Re claim 11, Hieda discloses in figures 4a and 4b that if the white-balance switch (102) is pressed for a period of time shorter than the first predetermined time period (T1) (a.k.a. the button is released before the end of the period (T1)) , the control signal (S1) performs a reverse operation and a switching operation from the setting mode to the tracking mode or from the tracking mode to the setting mode is performed (page 2, paragraph 3 – page 3, paragraph 1). Therefore, a mode change (image photographing process) is executed immediately after releasing the white-balance switch (102) is released from being depressed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

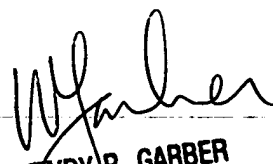
Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is 703-305-8659. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at 703-746-3059.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2500